

THE CITY OF SAN DIEGO, CALIFORNIA
MINUTES FOR REGULAR COUNCIL MEETING
OF
TUESDAY, MAY 5, 1992
AT 9:00 A.M.
IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chairperson Wolfsheimer at 10:26 a.m. The meeting was recessed by Chairperson Wolfsheimer at 11:50 a.m. to reconvene at 4:00 p.m. The meeting was reconvened by Chairperson Wolfsheimer at 4:22 p.m. with Mayor O'Connor and Council Members Roberts, Behr and Filner not present.

The meeting was recessed by Chairperson Wolfsheimer at 4:23 p.m. to convene the Redevelopment Agency. Chairperson Wolfsheimer reconvened the meeting at 4:24 p.m. with Mayor O'Connor and Council Members Roberts, Behr and Filner not present. The meeting was adjourned at 4:25 p.m. by Chairperson Wolfsheimer into Closed Session in the twelfth floor conference room to discuss pending and potential litigation matters.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-excused by R-279979
(to attend to other official business)
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-excused by
R-279980 (personal business)
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-present
- (8) Council Member Filner-present
- Clerk-Abdelnour/Fishkin (ll/mc)

FILE LOCATION: MINUTES

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ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-not present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-not present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-not present
- (8) Council Member Filner-not present

PUBLIC COMMENT:

None.

ITEM-200: (R-92-1561 Rev.1) ADOPTED AS RESOLUTION R-279900

(Continued from the meetings of April 6, 1992, Item S407, and April 20, 1992, Item 201; last continued at the City Manager's request, for further review.)

Authorizing the execution of an agreement with Nissan Motor Corporation U.S.A. for the acquisition of 20 lifeguard vehicles; and authorizing the expenditure of \$221,890, from Fund No. 50031. (Torrey Pines, La Jolla, Pacific Beach, Mission Beach and Ocean Beach Community Areas. Districts 1 and 2.)

CITY MANAGER SUPPORTING INFORMATION: On December 15, 1986, the City Council authorized a five year exclusive vehicle sponsorship agreement with Nissan Motor Corporation. During the contract period, Nissan loaned a fleet of vehicles to the City to be used by the Lifeguard Service in exchange for certain promotional rights. This agreement has resulted in a net savings to the general fund of over \$1.1 million. The contract has now expired and Nissan has declined to renew due to economic constraints. The terms of the contract require the City to return the loaned vehicles upon expiration of the contract; but the City retains the right to purchase a replacement fleet of brand new vehicles from Nissan at 50 percent off the wholesale price. We must now purchase a fleet of lifeguard vehicles from Nissan or another source. In comparing the deeply discounted prices offered by Nissan to the most recent competitive bid prices offered by other vendors, we have determined that purchasing the vehicles from

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Nissan will result in an estimated savings of \$95,000 over any other source. Therefore, it is recommended that Council authorize this one time purchase from Nissan Motor Corporation to purchase the following like replacement vehicles for use by the Lifeguard Services Division: ten Nissan Pathfinders, nine Nissan 4X4 pickups and one Nissan Stanza. Aud. Cert. 9200779.

FILE LOCATION: CONT-Purchase-Nissan Motor Corporation
U.S.A. CONT FY92-1

COUNCIL ACTION: (Tape location: B556-C026.)

MOTION BY STALLINGS TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

ITEM-204: (R-92-1444 Rev.1) ADOPTED AS AMENDED AS
RESOLUTION R-279901

(Continued from the meeting of March 30, 1992, Item 202, and April 20, 1992, Item 205; last continued at Councilmember Hartley's request, to give the Social Service providers an opportunity to review this matter further.) Endorsing the distribution by the Centre City Development Corporation (CCDC) of the "Social Issues Strategy: Defining the Redevelopment Agency's Role in Reducing Homelessness in Centre City San Diego 1992-2002"; concurring in the solicitation of input from the public concerning the draft Centre City Strategy; directing the City Manager to return with a report on how a City-wide homeless strategy might be developed, including the creation of a City task force to oversee its implementation.
(See City Manager Report CMR-92-103.)

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A169-B539.)

MOTION BY HARTLEY TO REQUEST THAT THE COUNCIL NOT APPROVE THE DRAFT CCDC SOCIAL ISSUE STRATEGY AND ASK THAT NO FURTHER DISTRIBUTION BE DONE. DIRECT THE CITY MANAGER TO WORK WITH CCDC TO DEVELOP A SOCIAL SERVICE STRATEGY WITH ALL OTHER PROVIDERS' EXPERTISE FOR INPUT AND TO RETURN TO THIS COUNCIL WITH A REVISED SOCIAL SERVICE STRATEGY BEFORE DISTRIBUTION. SUPPORT THE CITY MANAGER IN THE REQUEST FOR AN OVERALL STRATEGY FOR SERVING THE HOMELESS NEEDS OF SAN DIEGO WITH THE DEVELOPMENT OF A CITY TASK FORCE. REQUEST THE CITY

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MANAGER TO RETURN IN 60 DAYS WITH A STRATEGY FOR CREATING ADEQUATE EMERGENCY HOMELESS SHELTER BASED ON THE NEEDS OUTLINED IN CITY MANAGER REPORT #92-54, INCLUDING WORK AND COMMUNITY SERVICE OUTREACH, AND INPUT WORKING WITH THE HOMELESS ORGANIZATIONS AND PROVIDERS IN THAT AREA, AND THE HOMELESS PEOPLE THEMSELVES. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-not present.

ITEM-310: WELCOMED

Welcoming a group of approximately 25 students from Mission Bay High School, accompanied by Mike Reed. This group will arrive at approximately 10:30 a.m. (District-6.)

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A116-155.)

BY COMMON CONSENT GROUP WAS WELCOMED.

ITEM-330: (R-92-) CONTINUED TO JUNE 1, 1992

An appeal of Howard Hough for Win and Great Times, Ltd., Owners, and M.C. Miramar Inc., Lessee, from the decision of the Board of Zoning Appeals in denying Sign Variance C-20882 for the erection of a 10'-0" high, 50 square foot ground sign on a lot issued a permit for a 50'-0" high, 300 square foot freeway oriented ground sign, subject to conditions, where an additional ground sign is not permitted. The subject property is located at 9335 Kearny Mesa Road and is further described as Lot 2, Goodhall Subdivision, Map- 6412 in the CA Zone. (Case C-20882. District-5.) Adoption of a Resolution granting or denying the appeal and granting or denying the variance, with appropriate findings to support Council action.

FILE LOCATION:

COUNCIL ACTION: (Tape location: B545-551.)

MOTION BY BEHR TO CONTINUE TO JUNE 1, 1992 AT THE REQUEST OF THE APPELLANT, HOWARD HOUGH. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-not present,

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Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea,
McCarty-not present, Filner-yea, Mayor O'Connor-not present.

ITEM-331:

Appeal of Dave Odell and Melinda Merryweather from the decision of the Planning Commission in granting Coastal Development Permit/La Jolla Planned District Permit/Special Use Permit 90-0747 (San Diego Museum of Contemporary Art) allowing a fence with a 15-foot setback from the front property line on Coast Boulevard. The permits would allow renovation of the existing museum, an addition of 7,555-square-foot of accessory space, and the building of a six-foot-high security fence surrounding the sculpture garden. The subject property is located at 700 Prospect Street and is more particularly described as part of Block 35 of La Jolla Park per R.O.S. Map-963 in the La Jolla Planned District Ordinance Zone 6A within the La Jolla Community Plan area.
(CDP/LJPDP/SUP-90-0747. District-1.)

Subitem-A: (R-92-) NOTE AND FILE

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration END-90-0747 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-92-) ACCEPTING WITHDRAWAL OF APPEAL
ADOPTED AS RESOLUTION R-279903;
DECISION OF PLANNING COMMISSION
STANDS

Adoption of a Resolution granting or denying the appeal and granting or denying the permits, with appropriate findings to support Council action.

FILE LOCATION: PERM-LJPDP, SUP, CDP 90-0747

COUNCIL ACTION: (Tape location: A038-052.)

Hearing began 10:28 a.m. and halted 10:30 a.m.

MOTION BY BEHR TO ACCEPT THE WITHDRAWAL OF THE APPEAL AND TO NOTE AND FILE THE ITEM SUBITEM-A. Second by Stallings.

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Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-not present.

ITEM-332:

(Continued from the meeting of April 21, 1992, Item 340, at the City Manager's request, due to the continuance of first hearing on this item.) Two actions relative to an Automated Refuse Collection Pilot Program: (See City Manager Report CMR-91-253. Tierrasanta, Carmel Valley, Clairemont, Scripps Ranch, and Linda Vista Community Areas. Districts-1,5,6, and 7.)

Subitem-A: (O-92-118) INTRODUCED AND ADOPTED AS
ORDINANCE O-17763 (New Series)

Introduction and adoption of an Ordinance amending O-17667 (New Series), as amended, entitled "an Ordinance adopting the Annual Budget for the Fiscal Year 1991-92 and Appropriating the Necessary Money to Operate the City of San Diego for said Fiscal Year" by amending Document OO-17667-1, by transferring the sum of \$523,250 from the Equipment Division Motive Acquisition Fund (33) to the General Fund 100 and subsequently to the newly created "Automated Container Fund" for the purpose of funding an Automated Refuse Collection Pilot Program in the City of San Diego.

NOTE: See Item 151 on the docket of May 4, 1992 for the first public hearing. Today's action is the second public hearing for the introduction and adoption of the Ordinance.

Subitem-B: (R-92-1312) ADOPTED AS RESOLUTION R-279904

1. Authorizing the City Manager to implement plans for an Automated Refuse Collection Pilot Program;
2. Authorizing the City Auditor and Comptroller to reallocate \$523,250 in existing funds to purchase automated containers;
3. Authorizing the City Auditor and Comptroller to establish a new fund, entitled "Automated Container Fund"; interest earning from the fund will be deposited in the Automated Container Fund;

4. Authorizing the City Auditor and Comptroller to transfer working capital advance in the amount of \$523,250 from the Equipment Division Motive Acquisition Fund (33) to the General Fund 100 and subsequent to the transfer of \$523,250 to the General Fund 100, the monies be transferred to the newly created Automated Container Fund;
5. Authorizing the Auditor and Comptroller to transfer any remaining monies from the Automated Container Fund to the General Fund 100 upon advice from the administering department;
6. Authorizing the Purchasing Agent to advertise for bids for the automated containers and award the bid to the lowest bidder.
7. Authorizing the City Auditor and Comptroller to increase the estimated revenues and appropriations in the General Fund 100 for the Automated Refuse Collection Pilot Program.

COMMITTEE ACTION: Reviewed by PSS on 6/5/91. Recommendation to approve the City Manager's recommendations. Districts 3, 4, 5, and 7 voted yea. District 2 not present.

CITY MANAGER SUPPORTING INFORMATION: The Waste Management Department is proposing to implement a pilot project to determine the feasibility and cost effectiveness of an Automated Refuse Collection Program in the City of San Diego. The pilot areas were selected based upon a variety of demographic and geographic factors in order to assist the Refuse Collection Division establish the base criteria for future citywide expansion. The selected pilot neighborhoods are: Tierrasanta, Carmel Valley, Clairemont, Scripps Ranch, and Linda Vista. Each home in the pilot area will be providedone automated garbage container. These containers, costing approximately \$65 each, will have a 60 or 90 gallon capacity and will equipped with wheels for easy movement. Five existing refuse vehicles will be retrofitted with automated arms in order to test the viability of automated refuse collection. The pilot program will continue for six months in order to obtain sufficient data for a valid assessment of this study. All implementation costs for the pilot program will be paid for out of existing funds. Monies have been encumbered in the Equipment Division vehicle pool fund. These funds were previously allocated for the replacement of four rearloader packers and the purchase of three new sideloaders. These monies will be re-programmed to retrofit five existing vehicles and purchase 8,050 containers. The Public Services and Safety Committee reviewed this item at its June 5, 1991 meeting and

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unanimously approved the Manager's recommendation to conduct this pilot study.

Aud. Cert. 9200681.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: A083-095.)

MOTION BY STEVENS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT SUBITEM-A AND ADOPT SUBITEM-B. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-not present.

ITEM-333: (R-92-1714) ADOPTED AS RESOLUTION R-279909

Determining the benefit of the use of funds from the Columbia Redevelopment Project Low and Moderate Income Housing Fund toward the acquisition and rehabilitation of the YMCA OZ Facility, located at 3304 Idlewild Way.

(See memorandum from CCDC Executive Vice President dated 4/17/92. Centre City Community Area. District-2.)

NOTE: See the Redevelopment Agency Agenda of 5/5/92 for a companion item.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: D029-048.)

MOTION BY McCARTY TO ADOPT. Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-not present, Stallings-yea, McCarty-yea, Filner-not present, Mayor O'Connor-not present.

ITEM-S500: (O-92-120) CONTINUED TO MAY 11, 1992

(Continued from the meeting of March 31, 1992, Item 333, and April 28, 1992, Item 339, at Councilmember Wolfsheimer's request, for further review.)

Matter of amending the San Diego Municipal Code by adding Chapter XI relating to land development

administration and procedures (Zoning Code Update). The amendment includes revisions to such matters as application procedures, public noticing, decision-making bodies and appeal procedures.

The proposed amendment also constitutes an amendment to the City of San Diego's Local Coastal Program. If approved by the City Council, the proposed amendment must be submitted to the California Coastal Commission for review and certification. The proposed amendment is not effective in the Coastal zone until after approval by the California Coastal Commission.

Introduction of an Ordinance amending the San Diego Municipal Code.

NOTE: On 3/31/92 Council voted 6-2 to approve in concept and directed the City Attorney to bring back a strike out version of Phase I of the Ordinance. District 1 voted nay (yea only on the provision that would retain the Board of Zoning Appeals and the Rule 4 process in the interim). District 8 not present.

FILE LOCATION:

COUNCIL ACTION: (Tape location: A029-030.)

MOTION BY HARTLEY TO CONTINUE TO MAY 11, 1992 AT THE REQUEST OF THE CITY MANAGER. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-not present.

ITEM-S501: (R-92-1672) CONTINUED TO MAY 26, 1992

(Continued from the meetings of April 21, 1992, Item S502 and April 28, 1992, Item S508; last continued at the City Manager's request, due to lack of time.) Declaring that the City shall support such environmentally sound and cost effective efforts as are necessary to improve the amount and utilization of water storage capacity in order for all areas of the City to be provided with a reliable water supply, with a high priority of addressing the emergency storage deficiency in the northern portion of the City. (Docketed per Council direction at the meeting of April 2, 1992.)

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FILE LOCATION:

COUNCIL ACTION: (Tape location: A061-087.)

MOTION BY BEHR TO CONTINUE TO MAY 26, 1992. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-not present.

ITEM-S502:

Two actions relative to the North University City Facilities Benefit Assessment: (See City Manager Report CMR-92-122. University City Community Area. District-1.)

Subitem-A: (R-92-1503) ADOPTED AS RESOLUTION R-279905

Approving the document entitled, "North University City Public Facilities Financing Plan and Facilities Benefit Assessment, April, 1992."

Subitem-B: (R-92-1504) ADOPTED AS RESOLUTION R-279906

Resolution of Intention to designate an area of benefit in North University City and setting the time and place for holding a Facilities Benefit Assessment:

(See City Manager Report CMR-92-121. Carmel Valley Community Area. District-1.)

Subitem-C: (R-92-1497) ADOPTED AS RESOLUTION R-279907

Approving the document entitled, "Carmel Valley Public Financing Plan and Facilities Benefit Assessment, April, 1992."

Subitem-D: (R-92-1498) ADOPTED AS RESOLUTION
R-279908

Resolution of Intention to designate an area of benefit in Carmel Valley and setting the time and place for holding a public hearing.

COMMITTEE ACTION: Reviewed by TPE on 4/27/92. Recommendation to accept the recommendations in City Manager Report CMR-92-121. Districts 1, 4, 6 and 7 voted yea. District 5 not present.

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FILE LOCATION: STRT-FB-8

COUNCIL ACTION: (Tape location: A083-095.)

MOTION BY STEVENS TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-not present.

ITEM-CS-1: (R-92-1711) ADOPTED AS RESOLUTION R-279910

A Resolution adopted by the City Council in Closed Session on May 5, 1992: Authorizing the City Manager to pay the total sum of \$46,141.92 in settlement of each and every claim against the City, its agents and employees resulting from the property damage to Dr. John Hassler's residence and personal property; authorizing the City Auditor and Comptroller to issue one check in the amount of \$35,827.84 made payable to Luth & Turley, Inc.

Aud. Cert. 9200843

FILE LOCATION: MEET

ITEM-CS-2: (R-92-1725) ADOPTED AS RESOLUTION R-279911

A Resolution adopted by the City Council in Closed Session on May 5, 1992: Authorizing the City Manager to pay the total sum of \$109,062.07 of each and every claim against the City for property damage to the residence of Kathleen Scanlon; authorizing the City Auditor and Comptroller to issue one check in the amount of \$84,551.21 made payable to Luth & Turley, Inc.

Aud. Cert. 9200842

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

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COUNCIL COMMENT:

None.

ADJOURNMENT:

The meeting was adjourned by Chairperson Wolfsheimer at 4:25
p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Tape location: D065.)